

Message Text

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PAGE 01 STATE 181013
ORIGIN EUR-12

INFO OCT-01 ISO-00 SS-15 DHA-02 L-03 NSC-05 /038 R

DRAFTED BY EUR/EE:K N BROWN
APPROVED BY EUR/EE: C W SCHMIDT
C: IWOLF (INFO)
D/HA: CBRODY (INFO)
L/EUR: JWILLIS (INFO)

-----058206 031017Z /17

R 021958Z AUG 77
FM SECSTATE WASHDC
TO AMEMBASSY PRAGUE

C O N F I D E N T I A L STATE 181013

E.O. 11652: GDS

TAGS: PGOV, SHUM, CSCE, CZ

SUBJECT: GABRIEL CASE

REFERENCE: PRAGUE 2024, 2033

1. REGARDING ZANTOVSKY'S INQUIRY, YOU MAY DRAW ON STATE 150740. YOU CAN ADD THAT THE DEPARTMENT HAS BEEN EXAMINING THE GABRIEL CASE; WHILE THIS EXAMINATION HAS NOT YET BEEN COMPLETED IT APPEARS AT THIS POINT THAT IT FRANKLY MAY BE DIFFICULT TO RESURRECT THE CASE IN THE COURTS, GIVEN THE LENGTH OF TIME SINCE THE LAST APPEAL. THE PROSPECTS FOR THIS, HOWEVER, CAN BEST BE JUDGED BY A PRIVATE ATTORNEY WHO WOULD REPRESENT MRS. ZLUDKYNova.

2. A REPLY FROM THE PRESIDENT OR ON HIS BEHALF FROM ANOTHER USG OFFICIAL IS STILL UNDER CONSIDERATION. FOR YOUR INFORMATION, FOLLOWING IS THE DEPARTMENT'S DRAFT. IT HAS NOT REPEAT NOT BEEN CLEARED BY EITHER JUSTICE
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 181013

OR THE WHITE HOUSE, NOR HAVE WE DETERMINED WHETHER IT WILL BE SIGNED BY THE PRESIDENT OR SENT AT ALL. YOU MAY WISH TO DRAW ON SOME OF THE THOUGHTS EXPRESSED HEREIN, ALTHOUGH NOT THE LANGUAGE, IN ANY REPLY SENT TO ASSEMBLYMAN VOTRUBA:

QUOTE.

DEAR MRS. GABRIELOVA - ZLUDKYNNOVA:

UPON RECEIPT OF YOUR LETTER OF APRIL 25, CONCERNING YOUR DESIRE TO BE REUNITED WITH YOUR CHILDREN, VLASTA AND BEDRICH GABRIEL, I ASKED MY ADVISORS IN THE DEPARTMENTS OF STATE AND JUSTICE TO GIVE YOUR CASE A THOROUGH REVIEW.

I FULLY SYMPATHIZE WITH YOUR WISH TO HAVE YOUR CHILDREN LIVE WITH YOU AGAIN. WE, AS AMERICANS, FIRMLY BELIEVE IN THE RIGHT OF AN INDIVIDUAL TO TRAVEL AND LIVE WHEREVER HE OR SHE MAY WISH. IN THE CASE OF YOUR CHILDREN, I UNDERSTAND THAT THE JUDGE IN THE CALIFORNIA SUPERIOR COURT IN SAN BERNADINO COUNTY WAS UNABLE TO DETERMINE THAT VLASTA AND GABRIEL WISHED TO RETURN TO CZECHOSLOVAKIA. HIS DECISION THAT THEY REMAIN IN THE UNITED STATES WAS, I AM SURE, MADE IN THE SINCERE BELIEF THAT THE UPROOTING OF THE CHILDREN AFTER HAVING LIVED IN THE UNITED STATES FOR SEVERAL YEARS WOULD CAUSE THEM CONSIDERABLE HARDSHIP AND THAT IT WOULD BE BEST FROM THE STANDPOINT OF THEIR OWN DEVELOPMENT TO REMAIN WITH FOSTER PARENTS IN CALIFORNIA.

IT MAY SURPRISE YOU TO LEARN THAT I, AS PRESIDENT OF THE UNITED STATES, HAVE STRICT LIMITS ON MY ABILITY TO INTERCEDE IN THE JUDICIAL PROCESS. UNDER OUR FORM OF CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 181013

GOVERNMENT THE PRESIDENT CANNOT INTERVENE IN A JUDICIAL DECISION REGARDLESS OF THE OUTCOME OF THE CASE. SEPARATION OF POWERS, AS WELL AS FEDERALISM, WERE INTENTIONALLY DESIGNED TO LIMIT THE POWERS OF THE INDIVIDUAL LEADER TO IMPOSE HIS WILL ON OTHERS.

YOU NOTED IN YOUR LETTER TO ME THAT I "HAVE MUCH TO REPAIR" IN THE AREA OF HUMAN RIGHTS IN THE UNITED STATES. YOU ARE CORRECT. NO GOVERNMENT IN HISTORY HAS ACHIEVED THE GOAL OF COMPLETELY ELIMINATING HUMAN SUFFERING AND INJUSTICE, ALTHOUGH I BELIEVE THAT THE UNITED STATES HAS MADE CONSIDERABLE PROGRESS TOWARD THESE ENDS. HOWEVER, I FIRMLY BELIEVE THAT WE CAN EMPLOY MUTUAL UNDERSTANDING, PERSONAL AND DIPLOMATIC INITIATIVE, AND THE EXCHANGE OF IDEAS, BOTH WITHIN MY COUNTRY AND BETWEEN AMERICA AND THE OTHER COUNTRIES OF THE WORLD, TO LAY THE BASIS FOR A MORE FUNDAMENTAL UNDERSTANDING OF AND RESPECT FOR HUMAN RIGHTS.

CONCERNING YOUR DESIRE TO BE REUNITED WITH YOUR CHILDREN, I CAN ONLY ADVISE THAT YOU PURSUE YOUR OBJECTIVE IN THE U.S. COURTS. HOWEVER, I UNDERSTAND THAT IT WOULD BE

EXTREMELY DIFFICULT TO RESURRECT THE CASE IN THE COURTS
GIVEN THE AMOUNT OF TIME THAT HAS PASSED SINCE YOUR 1973
APPEAL. NEVERTHELESS, SHOULD YOU WISH TO MAKE SUCH
AN ATTEMPT, YOU SHOULD FIRST CONTACT A PRIVATE ATTORNEY
IN THE U.S., WHICH MIGHT BE MADE EASIER WITH THE HELP
OF YOUR EMBASSY IN WASHINGTON, D.C. I HAVE ASKED THE
DEPARTMENT OF STATE TO BE PREPARED TO ASSIST AS NECESSARY
THE EMBASSY IN APPROACHING AN ATTORNEY AND THE COURTS.
I MUST HASTEN TO ADD, HOWEVER, THAT NEITHER I NOR THE
DEPARTMENT OF STATE CAN REPRESENT YOU BEFORE THE COURTS,
CAN INFLUENCE THE DECISION OF ANY U.S.COURT, OR CAN ASSURE
YOU AS TO THE OUTCOME OF THE PROCEEDINGS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 181013

WHETHER OR NOT YOU CHOOSE TO FURTHER APPEAL THE 1972
COURT ACTION, LET ME ASSURE YOU THAT YOU WILL RECEIVE
A VISA WHENEVER YOU CHOOSE TO COME TO THE UNITED STATES
TO VISIT WITH BEDRICH AND VLASTA. I BELIEVE THAT AS
LONG AS YOU MAINTAIN PERSONAL AND WRITTEN COMMUNICATION
WITH YOUR CHILDREN, THE LOVE BETWEEN YOU WILL NOT
DISAPPEAR, AND PERHAPS SOMEDAY YOUR CHILDREN MAY CHOOSE
TO BE REUNITED WITH YOU ONCE AGAIN.

SINCERELY, JIMMY CARTER.

UNQUOTE.

4. WE WELCOME ANY THOUGHTS EMBASSY HAS ON DRAFT. CHRISTOPHER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPATRIATION, POLICIES, LOBBYING, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Sent Date: 02-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE181013
Document Source: CORE
Document Unique ID: 00
Drafter: K N BROWN
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770277-1178
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197708105/aaaadlgm.tel
Line Count: 150
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 66ac144f-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 PRAGUE 2024
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 14-Jan-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1415211
Secure: OPEN
Status: NATIVE
Subject: GABRIEL CASE
TAGS: PGOV, SHUM, CZ, US, CSCE, (GABRIEL, BEDRICH), (GABRIEL, VLASTA)
To: PRAGUE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/66ac144f-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009